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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,968	01/02/2004	Jason L. Smith		9686

7590

12/27/2005

Jason L. Smith
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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/749,968

Examiner

Craig M. Schneider

Applicant(s)

SMITH, JASON L.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Non-Compliance

The action dated December 14, 2005, mailed on December 21, 2005 is hereby vacated, including all references to time periods for response. This action sets a new time period for response.

The amendment filed on 11/2/2005 is not in conformance with 37 CFR 1.121. This rule, as explained in MPEP section 714, explains the procedure for making amendments. It is obvious that a bona-fide attempt to comply has been made, but the following corrections are necessary to be in full compliance. MPEP 714 II. A. requires a separate page for specification amendments and claim amendments (because of how the Office scans these documents). In the specification, deleted subject matter must be so indicated by strikethrough or in certain limited instances, by double brackets [[deleted matter]]. The brackets are to be used only for deletions that would be unclear with strikethrough (like the number 4) or very short deletions. In the proposed amendment of 11/2/2005, using strikethrough for all matter currently in single brackets ({deleted matter}) would satisfy the specification requirements. It is not necessary to provide a substitute specification. A substitute specification must meet the requirements of 37 CFR 1.125(b) and (c).

With respect to the claims, all claims must be listed. Each claim must have a status identifier after the claim number and before the text of the claim. Only one listing of the claims is required. In that listing, all amendments are shown in the claims by underlining or strikethrough. A cancelled claim only has the claim number and

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(cancelled) shown, no other text of the claim is necessary. In this application, for example, the listing would look like:

1. (Currently amended) A pressurized.....text of claim 1.

2. (Original) The pressurized.....text of claim 2

Claim 5 (Canceled).

Claims 3-4 and 6-9 were omitted from the above example.

A clean copy of the claims is not required. Also note that "previously presented" is used if a claim was previously amended but is not changed in this current amendment. Since claims 2-4 do not appear to have been amended at all yet, "Original" is the proper designation.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS *CS*
December 21, 2005


STEPHEN M. HEPPERLE
PRIMARY EXAMINER
ART UNIT 347